

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, May 18, 2004

Present: Commissioner President Thomas F. McKay
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
George G. Forrest, County Administrator
Donna Gebicke, Administrative Assistant (Recorder)
Kate Mauck, Senior Administrative Coordinator (Recorder)

The Board of County Commissioners attended a 9:00 a.m. ribbon-cutting ceremony for the *Read a Latte Coffee Bar* at the Lexington Park Library prior to the beginning of the meeting.

The following minutes were transcribed by Kate Mauck:

CALL TO ORDER

The meeting was called to order at 10:48 a.m.

APPROVAL OF CHECK REGISTER

Commissioner Dement moved, seconded by Commissioner Mattingly, to authorize the Commissioner President to sign the Check Register. Motion carried.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the minutes of the Commissioners' meeting of Tuesday, May 11, 2004. Motion carried.

PROCLAMATIONS

The following Proclamations were presented by the Board of County Commissioners:

- National Public Works Week
- National Bike Week

COUNTY ADMINISTRATOR

1. Draft Agenda for May 24, May 25, and June 1, 2004
2. **Department of Recreation, Parks, and Community Services**

Present: Cynthia Brown, Division of Community Services

- a. **Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign Application for Federal Assistance in the amount of \$10,000 for training and supervision of the AmeriCorps*VISTA Summer Associates assigned to the Summer of Safety, Arts, and Reading Summer Enrichment Program (SOSAR). Motion carried.**

- b. **Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign Cost-share “Memorandum of Agreement” with the Corporation for National and Community Service for 19 AmeriCorps*VISTA Summer Associates to support the Summer of Safety, Arts, and Reading Summer Enrichment Program (SOSAR). Motion carried.**

- c. **Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President to sign Shore Erosion Control Project Agreement with the Maryland Department of Natural Resources (State - \$249,555 in interest free loan - \$249,555 to be repaid, interest free over 15 years). Motion carried.**

Also Present: Phil Rollins, Director
Elaine Kramer, Director of Finance
John B. Norris, III, County Attorney

d. **Budget Amendments - Leonardtown Wharf Project Funding**

It was determined that if Budget Amendments are approved, a letter will be put together by staff in order to rescind a prior grant allocation on the Tudor Hall Project.

Commissioner Raley moved, seconded by Commissioner Jarboe, to close out the \$1,518,525 previously appropriated account for the Tudor Hall Project. Motion carried.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, for the Board of County Commissioners to adopt a Budget Amendment to set up a new project for land acquisition, engineering, demolition, bonds unsold, from the Commissioners Reserve and other funding sources as determined by the Finance Department. Motion carried.

Commissioner Jarboe and Commissioner Raley expressed their support for the Leonardtown Wharf Project. They also expressed reservations about using funding taken from the recordation tax that was set aside for agricultural preservation.

3. **Department of Land Use and Growth Management**

Present: Chad Holdsworth, Land Use and Growth Management
Steve King, Metropolitan Commission

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign revised Agreement between the County, the Maryland Geological Survey, and the United States Geological Survey to monitor groundwater observation wells in the County for fiscal year 2004. Motion carried.

Mr. Forrest was requested to provide the Metropolitan Commission with a notice recently received by the Board of County Commissioners from the Department of the

Environment, Water Management Administration, regarding the withdrawal and replacement of water in the Nanjemoy aquifer. In addition, Mr. Forrest was asked to have MDE brief the Commissioners as to the safety measures that will be in place, to ensure no security breaches occur.

4. **Office on Aging**

Present: Gene Carter, Director
Jennie Page, Deputy Director
Peggy Maio, Fiscal Supervisor

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Notification of Grant Award on Senior Health Insurance -SHIP (Federal - \$6,387). Motion carried.

5. **Department of Public Works and Transportation**

Present: George Erichsen, Director

- a. Public Works Agreement Addendum for Kingston Subdivision, Phase 2. *Located in the 3rd Election District with an expiration date of May 1, 2005. The letter of credit provided by Maryland Bank & Trust Company in the amount of \$71,500 remains as posted based on the Department's Inspection Report dated May 3, 2004. The roads included in this agreement are: Marigold Street (991'), Rosebay Street (629'), and Catnip Court (862').*
- b. Public Works Agreement Addendum for Cedar Cove Subdivision, Section 4. *Located in the 8th Election District with an expiration date of July 1, 2005. The letter of credit provided by Maryland Bank & Trust Company in the amount of \$15,000 remains as posted based on the Department's Inspection Report dated March 2, 2004. The roads included in this agreement are: Long Lane (612'), Sunburst Drive (666') and Surfside Drive (746').*

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign Public Works Agreement Addendums items a and b. Motion carried.

- c. Deed and Resolution accepting Willis Wharf Court and Wingate Place located in the Cedar Cove (Swash Bay) Subdivision, Section 5, 8th Election District. Also, attached are resolutions establishing a 25-mph speed limit and stop signs.

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Deed Acceptance and approve and sign three Resolutions. Motion carried.

COMMISSIONERS' TIME

Commissioner Dement

Expressed congratulations to the following for Proclamations recently presented: Doris McLaren, upon the celebration of her 80th birthday; Kids Day America, sponsored by Dr. Alexander; and, Reita Dean upon her retirement from 40 years of service at St. Mary's Hospital.

Attended a meeting about Lexington Manor and stated that John Savich has done a great job in informing the community of relocation efforts. Steady work is being done in this area.

Commissioner Mattingly

Attended the Chamber Business Awards luncheon recently. The Commissioners sent letters of congratulations to the recipients.

Bonnie Quade of Avenue was the outgoing President of the Ladies Auxiliary for Southern Maryland. Congratulations to her for a successful year serving for the local Fire Department Auxiliary.

Congratulations to Dicky and Nancy Mattingly – presented a proclamation to them for their 50th wedding anniversary.

Commissioners attended the Leonardtown Wharf Groundbreaking ceremony and the Hospital Ribbon-Cutting ceremony.

Attended the Sheriff's Torch Run for Special Olympics, which was kicked off at the Outback Restaurant with a nice crowd present...it was very successful.

Commissioner Raley

Expressed appreciation to Commissioners that have stepped into his place during the times he has had to attend to his store business.

Wanted to let citizens know that Commissioners have been trying to work with the Sheriff. Commissioner McKay set up a meeting this coming Thursday with the Sheriff, Captain, and staff, and will try to resolve any problems so the Sheriff has the funds he needs to meet the demands of his job...there is a strong desire to have open dialogue.

Commissioner President McKay

Stated that he and the Sheriff get along just fine – they simply disagree on the amount the Sheriff needs in his budget. Public funds should be guarded, and the Commissioners will work with all departments to meet their needs. If the Commissioners do not do this, then the citizens will.

Announced the public hearings that are to be held this afternoon and tonight.

HISTORIC PRESERVATION AWARDS

Present: Teresa Wilson, Department of Land Use and Growth Management

The Board of County Commissioners presented nine proclamations in honor of Historic Preservation Month.

RECREATION, PARKS, AND COMMUNITY SERVICES DEPARTMENT: PRESENTATION OF DRAFT REQUEST FOR EXPRESSION OF INTEREST (REOI) FOR AN INDOOR RECREATION FACILITY

Present: Phil Rollins, Director

On February 17, 2004, Commissioners directed staff to work with the Recreation and Parks Board to develop a draft Request for Expression of Interest (REOI) for an indoor recreation facility. This draft was present for review and discussion. The following major topics were outlined:

- Intent;
- Background;
- Purpose;
- Requirements;
- Evaluation of Expressions of Interest;
- Criteria Used to Evaluate Expression of Interest;
- Issuing Office and Contact Person
- Schedule of Events;
- Questions and Inquiries; and
- REOI Due Date.

Staff was directed to make the following adjustments to the REOI:

- *Break criteria used into more detailed descriptions and categories with points assigned to each category; i.e. develop scorecard before committee meets to make their short list;*
- *Regarding experience criteria (#2) – ensure that a lack of recreational or sports facility management experience would not unduly rule out an interested party that may have very strong qualifications in the other areas – possibly consider adding weight to their conceptual plan, etc.; possibly add experience with other business projects as a 4th criteria; and,*
- *Advertise outside as well as inside the Southern Maryland area in order to attract interested parties.*

PUBLIC HEARING ON PROPOSALS TO:

- **REDUCE THE COUNTY’S PROPERTY TAX RATE**
- **IMPOSE AN EMERGENCY SERVICES TAX-SUPPORT SERVICE**
- **IMPOSE AN EMERGENCY SERVICES TAX-RESCUE SQUAD**
- **INCREASE THE 911 FEE**

Present: Elaine Kramer, Finance Director

A properly advertised public hearing was conducted regarding the following three topics as follows:

- 1) To Reduce the County’s Property Tax Rate from \$.908 to \$.881 on each \$100 dollars of assessable real property other than operating real property of a public utility and from \$2.27 to \$2.2025 on each \$100 dollars of assessable personal property and operating real property of a public utility. The approximate reduction in property tax revenue is estimated to be \$1,755,800.
- 2) To Impose an Emergency Services Tax-Support Services at a rate of \$0.016 on each \$100 dollars of assessable real property other than operating real property of a public utility and \$0.040 on each \$100 dollars of assessable personal property

- and operating real property of a public utility. Revenues generated shall be used to support St. Mary's County Advanced Life Support Unit, Inc.; St. Mary's County Emergency Services Committee; St. Mary's County Length of Service Award Program; and debt service for the St. Mary's County Capital Revolving Fund. The revenue to be generated and allocated to the activities noted previously is estimated to be approximately \$1,027,300.
- 3) To Impose an Emergency Services Tax-Rescue Squads at a rate set for each district ranging for \$.007 to \$.011 on each \$100 dollars of assessable real property other than operating real property of a public utility and \$.0175 to \$.0275 on each \$100 dollars of assessable personal property and operating real property of a public utility. A specific rate within that range will be set for each district based on the FY2005 operating budget needs of the volunteer rescue squad(s) serving that district. Revenues generated for each district, based on the individual rate set, will be distributed to the Volunteer Rescue Squad serving that district. The approximate total revenue to be generated and subsequently distributed to the rescue squads is \$617,500.

Commissioner President McKay opened the floor for public comment. No one was present to speak. Commissioner McKay announced that the public hearing on the first three items will be reopened at 6:30 p.m. to provide additional opportunity for public comment. The record will remain open for a period of ten days in order to accept written public comment. The items will then be placed on the Commissioners' agenda for discussion/decision.

A properly advertised Public Hearing was conducted regarding the following topic as follows:

- 4) To increase the 9-1-1 fee charged by \$.25 to \$.75 per month per bill, pursuant to Maryland Code, Title I, Public Safety. Such revenues generated by the additional charge are estimated to be \$125,000, to be used to partially fund the installation, enhancement, maintenance, and operation of the County's 9-1-1 system.

Commissioner President McKay opened the floor for public comment. No one was present to speak. Commissioner McKay announced that the public hearing on the fourth item will be reopened at 6:30 p.m. to provide additional opportunity for public comment. The record will remain open for a period of ten days in order to accept written public comment. The item will then be placed on the Commissioners' agenda for discussion/decision.

Commissioner Dement moved, seconded by Commissioner Raley, for the Board of County Commissioners to meet in Executive Session in order to discuss Personnel, Litigation, and Real Property Acquisition/Disposition as provided for in Articles 24, Sections 4-210(a)1; 4-210(a)8, and 4-210(a)11, respectively. Motion carried.

Donna Gebicke recorded the following meeting minutes:

EXECUTIVE SESSION

Litigation

Present: Commissioner Thomas F. McKay, President
Commissioner Vice President Daniel H. Raley
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Thomas A. Mattingly, Sr.
George Forrest, County Administrator
John Norris, County Attorney
Heidi Dudderer, Assistant County Attorney
Daniel Karp, Attorney (via telephone conference call)
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)8

Time Held: 3:27 – 4:04 p.m.

Action Taken: The Commissioners discussed a litigation matter.

Personnel

Present: Commissioner Thomas F. McKay, President
Commissioner Vice President Daniel H. Raley
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Thomas A. Mattingly, Sr.
George Forrest, County Administrator
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)1

Time Held: 4:08 – 4:25 p.m.

Action Taken: The Commissioners discussed an employment contract.

Property Acquisition/Deposition

Present: Commissioner Thomas F. McKay, President
Commissioner Vice President Daniel H. Raley
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Thomas A. Mattingly, Sr.
George Forrest, County Administrator
John Norris, County Attorney
Joyce Malone, Real Property Manager
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)11

Time Held: 4:26 – 4:58 p.m.

Action Taken: The Commissioners discussed property acquisition/disposition matters.

Personnel

Present: Commissioner Thomas F. McKay, President
Commissioner Vice President Daniel H. Raley
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Thomas A. Mattingly, Sr.
George Forrest, County Administrator
John Norris, County Attorney
Randy Schultz, Human Resources Director
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)1

Time Held: 4:59 – 5:50 p.m.

Action Taken: The Commissioners discussed personnel matters.

The remaining meeting minutes were recorded by Kate Mauck:

ACTION FROM EXECUTIVE SESSION

Commissioner Jarboe moved, seconded by Commissioner Dement, to direct staff to proceed as discussed in Executive Session regarding Property Acquisition. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Dement, to direct staff to proceed as discussed in Executive Session regarding signing the contract for John Norris, III, County Attorney. Motion carried.

Commissioner Raley moved, seconded by Commissioner Dement, to direct staff to proceed as discussed in Executive Session regarding the Fairclough case.

Commissioner Jarboe voted against the motion, all others voted in favor. Motion carried 4-1.

PUBLIC HEARING ON PROPOSED MAJOR AMENDMENT TO THE APPROVED PLANNED UNIT DEVELOPMENT PLAN FOR ZPUD#04-245-001, STEWART'S GRANT

Present: Denis Canavan, Director, Land Use and Growth Management
Phil Shire, Land Use and Growth Management
Brad Clements, Chief Administrative Office, St. Mary's County Public Schools

Brian Still, Coordinating Supervisor, St. Mary's County Public Schools
Bill McKissick, Dugan, McKissick & Wood, L.L.C.
Chris Howe, Whitman, Requardt and Associates, LLP
Steve Bates, Marshall Craft Associates, Inc.

A staff report was presented to the Board of County Commissioners regarding a Proposed Major Amendment to the Approved Planned Unit Development Plan for ZPUD#04-245-001, Stewart's Grant. The location of the property is at the end of Carver School Boulevard, approximately 1,100 feet southeast of its intersection with Great Mills Road. The parcel identification is Tax Map 51, Block 08 and Parcel 384 in the 8th Election District, with acreage of approximately 405.60. The property was presented to the County in the form of a donation by Mr. Bubby Knott. The public hearing for a Major Amendment to the approved Planned Unit Development Plan is to include school use. The property is proposed to be used to build the new George Washington Carver Elementary School.

The public hearing was properly advertised on April 28, 2004 and May 4, 2004, and certified letters were sent to all adjacent property owners. Detailed background information was provided, which included a property and area map, an overall diagram of the school, vehicle and/or street access, turn lanes, parking locations on the school property, landscaping, roofing, building elevations, etc. The property is located outside of the AICUZ. The proposed school structure is approximately 65,000 square feet, and will house 540 students, with additional room for staff.

The following potential issues were discussed:

- A stoplight on Route 246 will be installed and it is expected that this must occur prior to a Certificate of Occupancy being issued;
- Placement and location of firewalls in the building;
- There was some debate on the installation of a sprinkler system – it was reported that a sprinkler system would indeed be installed, which would cover every area of the building; and,
- Concern was expressed regarding classrooms having doors to the outside of the building – this could potentially allow for a security issue.

Commissioner President McKay opened the public hearing for comments, and as no one was present to speak, the public hearing was closed. The record will remain open to accept written public comment for a period of 10 days, and will then be placed on an upcoming agenda for the Board of County Commissioners.

OPPORTUNITY FOR CONTINUATION OF PUBLIC COMMENT RE PROPOSALS PRESENTED AT 2:30 P.M. PUBLIC HEARING

- **REDUCE THE COUNTY'S PROPERTY TAX RATE**
- **IMPOSE AN EMERGENCY SERVICES TAX-SUPPORT SERVICE**
- **IMPOSE AN EMERGENCY SERVICES TAX-RESCUE SQUAD**
- **INCREASE THE 911 FEE**

Commissioner President McKay opened the floor for public comment on the above listed proposals, in continuance of the earlier public hearing. As no one was present to speak,

the public hearing was closed. The matter will be open for written public comment for a period of 10 days, and will then be placed on an upcoming agenda of Board of County Commissioners for discussion/decision.

ADJOURNMENT

The meeting adjourned at 6:45 p.m.

Minutes Approved by the
Board of County Commissioners on _____

Kate Mauck, Senior Administrative Coordinator
to the Board of County Commissioners